

**FORM A: NOTICE OF INTENT TO CLAIM
INTERVENOR COMPENSATION**

FILED


7-06-16

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.	Rulemaking R.16-02-007 (Filed February 11, 2016)
---	---

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and [X]¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON [Defenders of Wildlife]'S SHOWING OF SIGNIFICANT FINANCIAL
HARDSHIP**

NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at lcompcoordinator@cpuc.ca.gov.

Customer (party intending to claim intervenor compensation): Defenders of Wildlife	
Assigned Commissioner: Commissioner Liane Randolph	Administrative Law Judge: ALJ Julie Fitch
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief.	
Signature:	
Date: 6/29/16	Printed Name: Kim Delfino

PART I: PROCEDURAL ISSUES
(To be completed by the party ("customer") intending to claim intervenor compensation)

A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because the party is (check one):	Applies (check)
1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and,	<input type="checkbox"/>

¹ DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

<p>at the same time, the customer must represent the broader interests of at least some other customers.</p> <p>In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.</p>	
<p>2. A Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. <i>See</i> D.98-04-059 at 30.</p>	<input type="checkbox"/>
<p>3. A Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.² Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See</i> D.98-04-059, footnote at 3.</p>	<input checked="" type="checkbox"/>
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>Defenders of Wildlife (Defenders) is a non-profit membership organization with more than 200,000 California members and activists, over 185,000 of which are residential ratepayers within the IOU service areas. Defenders is dedicated to protecting wild animals and plants in their natural communities. Defenders' Bylaws state the organization's purpose:</p> <p>Defenders of Wildlife is a national, nonprofit organization dedicated to preserving wildlife and promoting humane treatment of wild animals, emphasizing appreciation and protection for all species in their ecological role within the natural environment. Through communication, education, and</p>	

² Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

responsive action, Defenders of Wildlife works to improve public attitudes and policies toward wildlife and its habitat.

Defenders has been actively working in California since 1979. As part of our mission, Defenders works to fight climate change, including advocating increasing the development of reliable and sustainable renewable energy in California. Since 2007, Defenders has been representing our members and activist California rate-payers who are concerned about the environment and desire development of renewable energy resources which respect, protect, and preserve our wildlife and its habitat. To that end, Defenders advocates for the development and implementation of regulatory policies which encourage the utility industry's delivery of cost-effective and environmentally sustainable renewable energy resources and discourages unnecessary new generating resources that are excessively costly and environmentally damaging.

Defenders has used our policy driven expertise to actively engage with governmental agencies, policy makers and stakeholders in numerous planning and permitting efforts including

- Bureau of Land Management's Solar Programmatic Environmental Impact Statement
- Desert Renewable Energy Conservation Plan
- CA County Planning Director's Solar Energy Facility Siting Guideline
- Renewable Energy Transmission Initiative
- California Energy Commission's Integrated Energy Policy Reports
- Electric Program Investment Charge
- Renewables Portfolio Standards Proceeding
- Restoration Energy Design Project

In addition, we have long-standing work at the individual renewable energy project and transmission line level, on both public and private lands, to minimize impacts to wildlife and ecosystems. As a result of our work Defenders has become an established leader with respect to public policy, wildlife protection, and coalition building. In this role, Defenders employs science, advocacy, public education and participation, media, litigation, and proactive on-the-ground solutions in order to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

In 2012 Defenders released Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley which analyzes current opportunities and constraints for least cost/best fit renewable energy development on private lands in the San Joaquin Valley and provides a suite of recommended policies and implementation actions to facilitate improved renewable energy development in that region which are equally applicable statewide. Many of these recommendations were included in the California Energy Commission's 2012 Integrated Energy Policy Report update.

<p>Defenders is a sought after expert on Smart from the Start renewable energy siting on private lands.</p> <p>Defenders communicates regularly with our donors, supporters and allied organizations about our work on renewable energy issues with governmental and regulatory agencies, including our work at the Commission via direct outreach and social media.</p> <p>In D. 98-04-059, page 29, footnote 14, the Commission reaffirmed its “previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers.” The Commission explained that “With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo, at 3.) They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” Consistent with this articulation, Defenders represents customers who are concerned about California’s environment and strongly support the use of engagement and public policy to find solutions that facilitate the development of renewable energy in a manner that protects wildlife and preserves high value wildlife habitat across California’s unique landscapes. This distinguishes Defenders interests from the interests represented by other consumer and environmental advocates who have intervened in this case.</p> <p>Defenders has no direct economic interest in the outcomes of this proceeding.</p>	
--	--

Identify all attached documents in Part IV.

Do you have any direct economic interest in outcomes of the proceeding?³

Yes: ☐ No: ☒

If “Yes”, explain:

B. Conflict of Interest (§ 1802.3)

Check

³ See Rule 17.1(e).

1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):		Check
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 4/26/2016	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the party's NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>2a. The party's description of the reasons for filing its NOI at this other time:</p> <p>Due to a proliferation of proceedings on similar and related topics at the time of this prehearing conference, and due to organizational staffing limitations, it was not possible to fully cover all renewable energy and land use related proceedings simultaneously. The organization hired contract staff as quickly as possible, and the new staff is filing this form at its earliest opportunity upon onboarding.</p>		
<p>2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge's ruling, or other document authorizing the filing of NOI at that other time:</p>		

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<p>The party's statement of the issues on which it plans to participate:</p> <p>Defenders expects to participate in this proceeding on issues identified in the February 11, 2016 Ruling, particularly those related to several new proposals offered to refine the Integrated Resource Planning Framework, as well as to participate actively in other issues to be addressed going forward as identified by the Commission for this proceeding. We have and will continue to submit comments and reply comments as appropriate, and provide information to Commission staff as requested. Should hearings or workshops be further ordered, Defenders reserves the opportunity to participate in them as best benefits the organization's interests.</p> <p>The party's explanation of how it plans to avoid duplication of effort with other parties:</p>

The interests represented by Defenders are unique and are not adequately represented by other parties that have intervened in this proceeding. Defenders is the only conservation organization in this proceeding with extensive understanding of the California Endangered Species/Federal Endangered Species laws and processes. That knowledge coupled with our active engagement in local land use planning and permitting for renewable energy projects and transmission facilities has been used to foster Least Cost/Best Fit renewable energy siting on both public and private lands, which minimizes impacts to special status wildlife species and their ecosystems. Therefore, Defenders' unique experience and understanding of the complexities of endangered species law, land use planning, CEQA/NEPA compliance, and environmental permitting will result in important recommendations to the Least Cost/Best Fit analysis with minimal duplication of the positions, rationales, and recommendations brought forth by the other environmental advocates.

The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed).

At this time, Defenders expects to actively participate on the following issues:

- SB 350 Integrated Resource Planning Framework
- Modeling Approaches
- GHG Emissions Accounting
- Resource Valuation and/or Selection Methodology
- Procurement Oversight and Rules
- Section 454.5 IOU Bundled Plans
- Comments and reply comments on issues identified in the Rulemaking and subsequently.
- Comments, reply comments, and advocacy related to Proposed Decisions and other CPUC documents.

B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Kim Delfino	100	290	\$29000	
Jeff Aardahl	50	290	\$14500	
Kate Kelly	100	290	\$29000	
Emily Leslie	100	150	\$15000	
Subtotal: \$87500				
OTHER FEES				
Subtotal: \$				
COSTS				

Travel costs for attending meetings			\$2,000	
Subtotal: \$2000				
TOTAL ESTIMATE: \$89,500				
Estimated Budget by Issues:				
<i>When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated Claim preparation time. Claim preparation time is typically compensated at 1/2 professional hourly rate.</i>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(To be completed by party (“customer”) intending to claim intervenor compensation; see Instructions for options for providing this information)

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	<input type="checkbox"/>
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	<input checked="" type="checkbox"/>
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).	<input type="checkbox"/>
Commission’s finding of significant financial hardship made in proceeding number:	
Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:
Defenders estimates its cost of participation in this proceeding will be about \$89,500. Defenders’ membership in the service territories of California’s investor-owned utilities, as indicated above, is 185,000±. Most members are paying dues of about \$20/year. The vast majority of our members are residential customers. Assuming an average electric bill of \$1,200 annually, this is far less than the anticipated cost of participation. The economic interest of the average member is small in comparison to the costs of effective participation

in the proceeding. It is unlikely that the average Defenders member will see financial benefits that exceed the costs of the organization's participation. Our participation in this proceeding without an award of intervenor compensation would pose a significant financial hardship.

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**
(The party ("customer") intending to claim intervenor compensation
identifies and attaches documents; add rows as necessary)

Attachment No.	Description
1	Certificate of Service
2	Defenders of Wildlife's Bylaws

ADMINISTRATIVE LAW JUDGE RULING⁴
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

⁴ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

Revised September 2014

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

Administrative Law Judge